S.B. CIVIL MISC. APPEAL NO. 573/2006

Date : 01.05.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mrs. Deepika for the appellant.

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Heard.

This appeal is filed against the order setting aside the ex-parte order under Order 9 Rule 13 CPC. The service which was made the basis of passing the ex-parte order was alleged to be refusal. Learned trial court has come to the conclusion that refusal was wrongly recorded. The findings are based on material on record. This being a matrimonial matter, parties should be permitted an opportunity to contest their cases in right perspective and technicalities should not be permitted to get in between them. If both the parties are before the Court, may be the Court can make an effort for reconciliation. In that view of the matter, the presence of both the parties having been secured, this Court would be at loss to understand as to why the order setting aside the ex-parte order should be interfered. That being the position, no interference is called for. The appeal having no force is hereby dismissed.

(BHAGWATI PRASAD), J.

bjsh